



Sen. Kirk W. Dillard

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09400SB1787sam002

LRB094 11340 RSP 43633 a

1 AMENDMENT TO SENATE BILL 1787

2 AMENDMENT NO. _____. Amend Senate Bill 1787 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Environmental Protection Act is amended by
5 changing Section 57.2 as follows:

6 (415 ILCS 5/57.2)

7 Sec. 57.2. Definitions. As used in this Title:

8 "Audit" means a systematic inspection or examination of
9 plans, reports, records, or documents to determine the
10 completeness and accuracy of the data and conclusions contained
11 therein.

12 "Bodily injury" means bodily injury, sickness, or disease
13 sustained by a person, including death at any time, resulting
14 from a release of petroleum from an underground storage tank.

15 "Release" means any spilling, leaking, emitting,
16 discharging, escaping, leaching or disposing of petroleum from
17 an underground storage tank into groundwater, surface water or
18 subsurface soils.

19 "Fill material" means non-native or disturbed materials
20 used to bed and backfill around an underground storage tank.

21 "Fund" means the Underground Storage Tank Fund.

22 "Heating Oil" means petroleum that is No. 1, No. 2, No. 4 -
23 light, No. 4 - heavy, No. 5 - light, No. 5 - heavy or No. 6
24 technical grades of fuel oil; and other residual fuel oils

1 including Navy Special Fuel Oil and Bunker C.

2 "Indemnification" means indemnification of an owner or
3 operator for the amount of any judgment entered against the
4 owner or operator in a court of law, for the amount of any
5 final order or determination made against the owner or operator
6 by an agency of State government or any subdivision thereof, or
7 for the amount of any settlement entered into by the owner or
8 operator, if the judgment, order, determination, or settlement
9 arises out of bodily injury or property damage suffered as a
10 result of a release of petroleum from an underground storage
11 tank owned or operated by the owner or operator.

12 "Corrective action" means activities associated with
13 compliance with the provisions of Sections 57.6 and 57.7 of
14 this Title.

15 "Occurrence" means an accident, including continuous or
16 repeated exposure to conditions, that results in a sudden or
17 nonsudden release from an underground storage tank.

18 When used in connection with, or when otherwise relating
19 to, underground storage tanks, the terms "facility", "owner",
20 "operator", "underground storage tank", "(UST)", "petroleum"
21 and "regulated substance" shall have the meanings ascribed to
22 them in Subtitle I of the Hazardous and Solid Waste Amendments
23 of 1984 (P.L. 98-616), of the Resource Conservation and
24 Recovery Act of 1976 (P.L. 94-580); provided however that the
25 term "underground storage tank" shall also mean an underground
26 storage tank used exclusively to store heating oil for
27 consumptive use on the premises where stored and which serves
28 other than a farm or residential unit; provided further however
29 that the term "owner" shall also mean any person who has
30 submitted to the Agency a written election to proceed under
31 this Title and has acquired an ownership interest in a site on
32 which one or more registered tanks have been removed, but on
33 which corrective action has not yet resulted in the issuance of
34 a "no further remediation letter" by the Agency pursuant to

1 this Title.

2 "Licensed Professional Engineer" means a person,
3 corporation, or partnership licensed under the laws of the
4 State of Illinois to practice professional engineering.

5 "Licensed Professional Geologist" means a person licensed
6 under the laws of the State of Illinois to practice as a
7 professional geologist.

8 "Site" means any single location, place, tract of land or
9 parcel of property including contiguous property not separated
10 by a public right-of-way.

11 "Site investigation" means activities associated with
12 compliance with the provisions of subsection (a) of Section
13 57.7.

14 "Property damage" means physical injury to, destruction
15 of, or contamination of tangible property, including all
16 resulting loss of use of that property; or loss of use of
17 tangible property that is not physically injured, destroyed, or
18 contaminated, but has been evacuated, withdrawn from use, or
19 rendered inaccessible because of a release of petroleum from an
20 underground storage tank.

21 "Class I Groundwater" means groundwater that meets the
22 Class I: Potable Resource Groundwater criteria set forth in the
23 Board regulations adopted pursuant to the Illinois Groundwater
24 Protection Act.

25 "Class III Groundwater" means groundwater that meets the
26 Class III: Special Resource Groundwater criteria set forth in
27 the Board regulations adopted pursuant to the Illinois
28 Groundwater Protection Act.

29 (Source: P.A. 92-554, eff. 6-24-02; 92-735, eff. 7-25-02;
30 revised 9-9-02.)".